

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Harry Feigen	Team: Squad #13	CCRB Case #: 201707782	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 09/07/2017 4:30 PM	Location of Incident: § 87(2)(b)	Precinct: 24	18 Mo. SOL 3/7/2019	EO SOL 3/7/2019	
Date/Time CV Reported Thu, 09/21/2017 1:01 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Thu, 09/21/2017 1:01 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Sasenarine Ramlakhan	24055	951113	PSA 6
2. POM Julien Collins	00630	948798	PSA 6
3. SGT Julian Harris	02548	932775	PSA 6

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Christian Dudley	24995	963017	PSA 6
2. POM Ramon Hernandez	20592	936757	PSA 6
3. POM Kimm Cruse	11030	929966	PSA 6
4. POM Andy Alban	10603	961606	PSA 6

Officer(s)	Allegation	Investigator Recommendation
A.POM Julien Collins	Force: PO Julien Collins used physical force against § 87(2)(b)	§ 87(2)(b)
B.POM Sasenarine Ramlakhan	Force: PO Sasenarine Ramlakhan used physical force against § 87(2)(b)	§ 87(2)(b)
C.POM Julien Collins	Force: PO Julien Collins restricted § 87(2)(b)'s breathing.	§ 87(2)(b)
D.POM Sasenarine Ramlakhan	Force: PO Sasenarine Ramlakhan restricted § 87(2)(b)'s breathing.	§ 87(2)(b)
E.POM Julien Collins	Abuse: PO Julien Collins refused to provide his name and shield number to § 87(2)(b)	§ 87(2)(b)
F.SGT Julian Harris	Abuse: Sgt. Julian Harris threatened to arrest § 87(2)(b)	§ 87(2)(b)

Case Summary

On September 21, 2017, § 87(2)(b) filed this complaint with the CCRB in-person on behalf of himself and his ex-wife, § 87(2)(b).

On September 7, 2017, at approximately 4:30 p.m., § 87(2)(b) and § 87(2)(b) had a dispute in their apartment, which is located at § 87(2)(b), in Manhattan. § 87(2)(b) called 911 and went downstairs to meet the responding police officers. PO Sasenarine Ramlakhan and PO Julien Collins of PSA 6 arrived and spoke with § 87(2)(b) who stated that she and § 87(2)(b) had had an argument, and § 87(2)(b) had broken items in their shared apartment. § 87(2)(b) let the officers into the apartment, and the officers proceeded to enter § 87(2)(b)'s bedroom. The officers threw § 87(2)(b) onto a bed and placed him in handcuffs. Both officers then lifted § 87(2)(b) by his handcuffs and slammed him onto the floor, causing both of his knees to slam against the floor (**Allegations A and B**). The officers called for a supervisor and for EMS to respond to the apartment, as they believed that § 87(2)(b) was an emotionally disturbed person and required a psychological evaluation, and both PO Collins and PO Ramlakhan had sustained injuries while attempting to place § 87(2)(b) in handcuffs. While the officers waited for EMS and additional officers to arrive, § 87(2)(b) continued to fight the officers, and was spitting at them, so the officers placed their knees on § 87(2)(b)'s back and shoulders and placed a bed sheet over his head (**Allegations C and D**).

Sgt. Julian Harris, PO Andy Alban, PO Christian Dudley, and PO Kimm Cruse, all of PSA 6, arrived at the apartment, along with several EMTs. While the EMTs and officers were attempting to remove § 87(2)(b) from the apartment, § 87(2)(b) asked PO Collins for his name and shield number, and PO Collins responded that it was “up to his boss” to provide this information (**Allegation E**). § 87(2)(b) asked Sgt. Harris about obtaining a restraining order against § 87(2)(b) and Sgt. Harris told § 87(2)(b) that she could not obtain one. He then stated that if the officers had to come back to the apartment after § 87(2)(b)'s release then he would arrest both § 87(2)(b) and § 87(2)(b) (**Allegation F**).

§ 87(2)(b) was transported to § 87(2)(c) (impair contract awards or CBA's), where he was given a psychological evaluation. PO Ramlakhan was treated for an injury to his right shoulder and left knee at § 87(2)(b), and PO Collins was treated there for an injury to his right wrist. § 87(2)(b) was released from the hospital that evening and transported to the PSA 6 stationhouse, where PO Dudley placed him under arrest for § 87(2)(b).

Mediation, Civil, and Criminal Histories

- This case was not suitable for mediation, due to § 87(2)(b)'s injuries.
- A notice of claim request was submitted to the NYC Comptroller's Office on November 14, 2017. It will be added to the case file upon its receipt (01 Board Review).

§ 87(2)(b), § 87(2)(c)

§ 87(2)(b)

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§ 87(2)(b)

§ 87(2)(b)

Civilian and Officer CCRB Histories

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

- This is § 87(2)(b)'s first CCRB complaint.
- PO Ramlakhan has been a member of service for six years. He has no previous CCRB complaints.
- PO Collins has been a member of service for seven years. He has one prior CCRB allegation on his record—a verbal discourtesy closed as “complainant unavailable.”
- Sgt. Harris has been a member of service for fourteen years. He has no prior CCRB complaints.

Findings and Recommendations

Allegations Not Pleaded

Discourtesy – In a statement given over the phone on September 26, 2017, § 87(2)(b) alleged that PO Collins told her to “Get the fuck out of the room” during this incident (05 Board Review). In § 87(2)(b)'s in-person statement, given on September 28, 2017, § 87(2)(b) stated that the officer told her at this time to “Shut the hell up and get the hell out of the room.” When asked if the officer used the word “fuck” or “hell,” § 87(2)(b) stated she could not recall (06 Board Review). All of the officers interviewed denied telling § 87(2)(b) “Get the fuck out of the room,” or using any profanity. § 87(2)(g)

Subject Officer Identification

§ 87(2)(b) stated that after his dispute with § 87(2)(b) he fell asleep in his bedroom. He was then woken up some time later by a group of approximately six to seven police officers in his bedroom. All of these officers were then present for the ensuing physical struggle between

§ 87(2)(b) and the officers, but § 87(2)(b) stated that only two of the officers were actually involved in this struggle. One of these officers he described as a white male, and § 87(2)(b) could not describe the second officer who allegedly used physical force against him.

§ 87(2)(b) PO Ramlakhan, PO Collins, and Sgt. Harris all stated that PO Ramlakhan and PO Collins were the only officers present in the apartment for the physical struggle between § 87(2)(b) and the officers. PO Collins, PO Ramlakhan, and § 87(2)(b) stated that after the officers placed § 87(2)(b) in handcuffs, they waited approximately ten to fifteen minutes before back up officers and EMS arrived at the apartment. Once these additional officers arrived at the apartment, there was no further physical struggle between § 87(2)(b) and the officers. The event report for this incident indicates that PO Ramlakhan and PO Collins' sector arrived at § 87(2)(b)'s apartment at 4:29 p.m., and that EMS did not arrive until 4:51 p.m. (07 Board Review). The time of the back up officers' arrival is not noted on the report, but Sgt. Harris wrote in his memo book that he arrived at the apartment at 4:53 p.m. (08 Board Review). This documentation is consistent with the statements of § 87(2)(b) PO Ramlakhan, and PO Collins that they were the only two officers who initially responded to the apartment and used physical force against § 87(2)(b) § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) described the two officers who first responded to her apartment as a 5'6" tall heavyset black male and a 5'7" tall slim white or Hispanic male. § 87(2)(b) alleged that she asked the black male officer for his name and shield number, and he refused to provide this information. PO Collins is a 5'8" tall, 160-pound black male (09 Board Review), and PO Ramlakhan is a 5'7" tall, 165-pound South Asian male (10 Board Review). PO Ramlakhan has a tan skin complexion, while PO Collins has a darker skin complexion. The investigation thus determined that PO Collins was the officer whom § 87(2)(b) described as a black male, § 87(2)(b) § 87(2)(g)

§ 87(2)(b) described the officer who threatened to arrest her as a 5'8" tall, heavyset black male with black hair. She also stated that this officer was among the second group of officers to arrive at the apartment, and that he appeared to be a supervisor, as he was issuing orders to all of the other officers present. Sgt. Harris was the only supervising officer who responded to this incident. He is a 5'9" tall, 270-pound black male with black hair. While two other black male officers responded to this incident as well, PO Cruse and PO Alban, both of these officers have completely bald heads § 87(2)(b)

Allegation A: Physical Force – PO Julien Collins used physical force against § 87(2)(b)

Allegation B: Physical Force – PO Sasenarine Ramlakhan used physical force against

§ 87(2)(b)

§ 87(2)(b) stated that he was woken up by six to seven police officers in his bedroom. The officers had § 87(2)(b) stand up, but he became belligerent and asked them why they were in his apartment. The officers told § 87(2)(b) to turn around, and § 87(2)(b) began twisting his shoulders. Two of the officers grabbed § 87(2)(b) and threw him onto his bed. The same two officers grabbed § 87(2)(b)'s arms and tried to place him in handcuffs, and § 87(2)(b) tensed his back and told the officers, "You can't break me." The officers succeed in placing § 87(2)(b) into handcuffs, and § 87(2)(b) continued moving his arms and legs. One of the officers then lifted § 87(2)(b) by his handcuffs, and slammed § 87(2)(b) into the ground so that his knees struck the ground. This caused bruises to both of § 87(2)(b)'s knees, and a cut to his wrist (11 Board Review). § 87(2)(b) provided photographs to the CCRB showing his injuries (12 Board Review). In a phone statement, § 87(2)(b) stated that he tried to kick one of the officers at one point during the incident. When asked at what point this occurred, § 87(2)(b) then denied that he ever attempted to kick an officer (13 Board Review).

§ 87(2)(b) stated that PO Ramlakhan and PO Collins entered § 87(2)(b)'s bedroom, and she could not see what initially happened between § 87(2)(b) and the officers. When § 87(2)(b) walked to the door of this bedroom, she observed § 87(2)(b) lying on his chest on his bed, with the officers on either side of him grabbing both of his arms. § 87(2)(b) was lifting his body up off of the bed, but otherwise was not moving his arms or resisting the officers physically. Once the officers placed § 87(2)(b) in handcuffs, both officers lifted § 87(2)(b) off of the bed by his handcuffs, and slammed him onto the ground next to the bed. § 87(2)(b)'s knees struck the wood siding around the bed. § 87(2)(b) denied that § 87(2)(b) was moving his body prior to the officers lifting § 87(2)(b) and slamming him against the floor.

PO Collins (14 Board Review) and PO Ramlakhan (15 Board Review) both stated that when they entered § 87(2)(b)'s bedroom, § 87(2)(b) charged at them with his hands balled in fists. Both officers then grabbed § 87(2)(b)'s arms and attempted to place him in handcuffs, and § 87(2)(b) began to flail his arms. PO Collins stated that after approximately fifteen seconds, the officers pulled § 87(2)(b) to the floor by his arms. PO Ramlakhan stated that both officers and § 87(2)(b) lost their balance at that time, and that all three of them fell to the floor, but he denied that the officers purposefully pulled § 87(2)(b) to the floor. Both officers stated that § 87(2)(b) continued to resist on the floor by flailing his arms, kicking his legs, and twisting his shoulders. The officers were able to pull § 87(2)(b)'s arms behind his back and place him in handcuffs, and then placed him on his chest on a bed in the room. § 87(2)(b)

continued to move his body and kick at the officers at that time, so both officers held their knees on § 87(2)(b)'s back or shoulders while they waited for additional officers and EMS to arrive.

Both officers denied using any force besides grabbing § 87(2)(b)'s arms, pulling him to the ground, placing him in handcuffs, and holding their knees on him. Both officers denied lifting § 87(2)(b) by his handcuffs and slamming onto the floor after he had been handcuffed. Both officers denied that § 87(2)(b) complained of any pain or injuries, or that he had any visible injuries. Both officers were shown the photographs provided to the CCRB by § 87(2)(b) of his injuries, and both officers denied seeing these injuries during this incident. Both officers denied knowing of anything which could have caused the injuries shown in the photographs.

Sgt. Harris stated that when he arrived at § 87(2)(b)'s apartment, § 87(2)(b) was handcuffed and sitting up on a bed in a room. § 87(2)(b) was irate and threatened the officers and EMTs verbally, but Sgt. Harris denied that § 87(2)(b) physically fought with any officers or EMTs or was moving his body while Sgt. Harris was present at the apartment. Sgt. Harris denied seeing any officers lift § 87(2)(b) by his handcuffs and slam him on the ground as alleged, and he denied that § 87(2)(b) complained of any pain or injuries. Upon being shown the photographs provided to the CCRB by § 87(2)(b) of his injuries, Sgt. Harris maintained that he did not observe any injuries to § 87(2)(b) and that § 87(2)(b) did not complain of any injuries (16 Board Review).

§ 87(2)(b) was brought to § 87(2)(b) after being removed from his apartment and given a psychological evaluation. He was diagnosed with adjustment disorder, intermittent explosive disorder, and antisocial personality disorder, and was given Lorazepam. He was not treated for any physical injuries, nor is there mention in his medical records of any pain or physical injuries (17 Board Review). § 87(2)(b) went to § 87(2)(b) on his own on § 87(2)(b), and complained of back pain and abrasions to his left wrist and both of his knees. His medical records from this visit state that § 87(2)(b) primarily went to the hospital to have his injuries documented. He was given Tylenol on that date (18 Board Review).

PO Collins sustained a sprained right wrist and pain to his right hand from this incident. PO Collins stated that he sustained these injuries attempting to handcuff § 87(2)(b) but he could not say what specifically caused the injuries. PO Collins missed work for two weeks from these injuries. PO Ramlakhan sustained a strained right shoulder from when he and § 87(2)(b) fell on the floor, and pain to his left knee from being kicked by § 87(2)(b). PO Ramlakhan missed work for two weeks and remained on limited duty for an additional week and a half from these injuries. Both officers prepared line-of-duty injury paperwork in regards to these injuries (19 Board Review and 20 Board Review).

As per Patrol Guide Procedure 221-02, an officer must use only the reasonable force necessary to gain control of a resisting subject (21 Board Review).

§ 87(2)(g)

§ 87(2)(g)

Allegation C: Physical Force – PO Julien Collins restricted § 87(2)(b) s breathing.

Allegation D: Physical Force – PO Sasenarine Ramlakhan restricted § 87(2)(b) s breathing.

It is undisputed that after § 87(2)(b) was handcuffed by PO Collins and PO Ramlakhan, the officers held § 87(2)(b) lying on his stomach on a bed until additional officers and EMS arrived at the apartment. It is also undisputed that during this time, the officers placed a

bed sheet over § 87(2)(b)'s head, covering his entire face, and also held their knees on § 87(2)(b)'s back and shoulders.

§ 87(2)(b) stated that when an officer placed a knee on his back, it caused him to have slight difficulty breathing. § 87(2)(b) stated that he could not breathe, and the officer moved his knee approximately five seconds later. § 87(2)(b) could not say which officer placed the bed sheet over his head, nor could he say if this happened when the officers had their knees on his back. § 87(2)(b) did not independently allege that this sheet caused him to have trouble breathing, but when asked if it did, § 87(2)(b) affirmed that it did cause him to have some difficulty breathing. § 87(2)(b) told the officers that he could not breathe when the sheet was over his head. The officers removed the sheet from his head after several seconds, and only placed it over his head one time during the incident. § 87(2)(b) denied that the officers were holding the sheet over his head tightly. At the time that the officers placed the bed sheet over his head, § 87(2)(b) was moving his body and “trying to get the hell out of the whole situation.” § 87(2)(b) also stated he was tensing his back when the officers had him lying on the bed, and as discussed in the previous allegation, he admitted to kicking an officer in one statement.

§ 87(2)(b) stated that while the officers were attempting to place § 87(2)(b) in handcuffs, PO Collins had one of his knees on the back of § 87(2)(b)'s neck, and the other on § 87(2)(b)'s back while § 87(2)(b) was lying on the bed. § 87(2)(b) was arching his back at that time, but otherwise did not resist the officers physically. § 87(2)(b) did not ever see PO Ramlakhan place either of his knees on § 87(2)(b). § 87(2)(b) stated repeatedly that he could not breathe, and § 87(2)(b) did not ever see PO Collins move his knee off of § 87(2)(b)'s neck or back when § 87(2)(b) stated he could not breathe. PO Collins kept his knees on § 87(2)(b) for the entire incident until backup officers and EMS arrived at the apartment. § 87(2)(b) also stated that a bed sheet was placed over § 87(2)(b)'s head during this incident, but she did not see which officer did this, nor could she say at what point it was placed over § 87(2)(b). The officers did not hold the sheet over § 87(2)(b)'s head, but rather draped it over him, and then it remained over § 87(2)(b)'s head until the backup officers arrived at the apartment.

PO Collins stated that after the officers placed § 87(2)(b) in handcuffs and had him lying down on his bed, § 87(2)(b) spat at the officers. § 87(2)(b) had spat at the officers several times while the officers were attempting to place him in handcuffs, and some of this spit had made contact with PO Collins' face. The officers then placed a bed sheet over § 87(2)(b)'s head to prevent him from spitting on them further, but PO Collins could not recall which officer did this. PO Collins then asked § 87(2)(b) if he was going to stop spitting, and § 87(2)(b) stated that he would stop. The officers removed the sheet from § 87(2)(b)'s head approximately thirty seconds after they first placed it over him. PO Collins denied that the officers held the sheet over § 87(2)(b) but rather stated that they draped it over him. PO Collins also denied that § 87(2)(b) ever stated he was having trouble breathing while the bed

sheet was over his head. PO Collins placed his knee on § 87(2)(b)'s upper back until the backup officers and EMS arrived, because § 87(2)(b) was still struggling and spitting at the officers. PO Collins denied that he placed his knee on § 87(2)(b)'s neck during this incident, and he did not recall if PO Ramlakhan placed his knee on § 87(2)(b)'s neck or back during this incident. § 87(2)(b) stated that he was having trouble breathing while PO Collins had his knee on § 87(2)(b)'s back, and PO Collins responded by placing less pressure on § 87(2)(b)'s back.

PO Ramlakhan stated that after § 87(2)(b) was handcuffed and lying on his chest on the bed, § 87(2)(b) continued to twist his shoulders and kick his legs, and that § 87(2)(b) spit at the officers at that time. Some of the saliva from this spit entered PO Ramlakhan's mouth. § 87(2)(b) spat at the officers multiple times, and some of this saliva made contact with PO Collins as well. The officers placed a bed sheet over § 87(2)(b)'s head to prevent him from spitting at them further, but PO Ramlakhan could not recall which officer did this. The officers did not hold the bed sheet over § 87(2)(b)'s head. It remained over § 87(2)(b) for approximately three minutes in total, and eventually slid off of § 87(2)(b)'s head, as he was still moving his body. PO Ramlakhan placed his knee on § 87(2)(b)'s back to try to control him after § 87(2)(b) was placed in handcuffs. PO Collins placed his knee on § 87(2)(b)'s shoulder at that time, but neither officer placed their knees on § 87(2)(b)'s neck. PO Ramlakhan placed his knee on § 87(2)(b) because § 87(2)(b) was still moving his body, and because PO Ramlakhan did not feel he could control § 87(2)(b) with his arm, given the injury he sustained to his right shoulder. § 87(2)(b) did say that he could not breathe at one point during this incident. PO Ramlakhan denied that the bed sheet was over § 87(2)(b)'s head when he said he could not breathe, and he could not recall if his knee was on § 87(2)(b) when § 87(2)(b) made this statement. The officers sat § 87(2)(b) upright when he said he could not breathe.

§ 87(2)(g)

§ 87(2)(g)

Patrol Guide Procedure 221-02 states that officers should avoid actions which may result in chest compression, such as standing, sitting, or kneeling on a subject's chest or back (21 Board Review).

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

Allegation E: Abuse of Authority – PO Julien Collins refused to provide his name and shield number to § 87(2)(b)

§ 87(2)(b) stated that after EMTs and additional officers arrived at her apartment, § 87(2)(b) spoke with PO Collins in the living room while the EMTs and other officers were dealing with § 87(2)(b). § 87(2)(b) asked PO Collins for a copy of the domestic incident report the officers had prepared for the incident. PO Collins told § 87(2)(b) that she would have to speak with his sergeant about that. § 87(2)(b) then asked PO Collins for his and PO Ramlakhan's names, and PO Collins replied that that was "up to his boss." PO Collins did not ever provide his or PO Ramlakhan's names to § 87(2)(b). § 87(2)(b) did not allege in her initial phone statement to the CCRB that PO Collins refused to provide his name to her.

PO Collins stated that he spoke with § 87(2)(b) in the living room while the EMTs were speaking with § 87(2)(b) in his bedroom, but he denied that § 87(2)(b) ever asked him for his or PO Ramlakhan's names. PO Ramlakhan denied hearing § 87(2)(b) ask PO Collins or any other officer for their names. Sgt. Harris denied hearing § 87(2)(b) have any conversation with any

officers while he was present in the apartment, and he denied hearing § 87(2)(b) ask PO Collins for his name.

§ 87(2)(g)

Allegation F: Abuse of Authority – Sgt. Julian Harris threatened to arrest § 87(2)(b)

§ 87(2)(b) stated that she asked Sgt. Harris in her living room about obtaining an order of protection. Sgt. Harris told her that she could not obtain one, that § 87(2)(b) and § 87(2)(b) would have to continue living in the apartment together, and that if the police had to return to the apartment they would arrest § 87(2)(b).

Sgt. Harris denied speaking with § 87(2)(b) during this incident, and he did not recall any officer speaking with § 87(2)(b) during this incident. He did not recall § 87(2)(b) asking him about obtaining an order of protection against § 87(2)(b). Sgt. Harris denied telling § 87(2)(b) that he would arrest her if he had to return to her apartment, and he denied that the officers could have arrested § 87(2)(b) for anything during this incident.

PO Collins and PO Ramlakhan did not know if Sgt. Harris had any conversation with § 87(2)(b) during this incident. Both officers denied that Sgt. Harris told § 87(2)(b) that if the officers had to come back to the apartment they would arrest § 87(2)(b). Both officers stated that the officers did not have any reason to arrest § 87(2)(b) during this incident.

§ 87(2)(g)

Squad: 13

Investigator: _____

Signature

Print

Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date